

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

TREVOR NAULT,

Plaintiff,

vs.

MR. MCTIGHE, MS. POWELL,
MR. MADRID, MS. ALSTEAD,
MR. MONTGOMERY, MR. DELELLA,
MR. TROMBLEY, MR. BIRKEBILE,
MR. NELSON, MR. VINES,
MR. JOHNSON, MR. MORHARDT,
and MR. WIRSCHING,

Defendants.

CV 21-63-GF-BMM-JTJ

ORDER

United States Magistrate Judge John Johnston entered his Findings and Recommendations in this case on August 18, 2021. (Doc. 5). Judge Johnston recommended that Plaintiff Trevor Nault's Complaint (Doc. 2) be DISMISSED and that the Clerk of Court should be directed to have the docket reflect that any appeal of this decision would not be taken in good faith pursuant to Rule 24(a)(3)(A) of the Federal Rules of Appellate Procedure.

Neither party filed objections to the Findings and Recommendations. The parties have waived the right to de novo review thereof. 28 U.S.C. § 636(b)(1)(C). Absent objection, this Court reviews findings and recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313

(9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000) (citations omitted).

Given that Nault failed to respond to this Court’s orders on two occasions, Judge Johnston found that no more further resources of the Court should be expended and Nault’s Complaint should be dismissed. (Doc. 5). The Court finds no error in Judge Johnston’s Findings and Recommendations and adopts them in full.

Accordingly, **IT IS ORDERED:**

1. This matter is **DISMISSED**. The Clerk of Court shall close this matter and enter judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.
2. The Clerk of Court shall have the docket reflect that the Court certifies pursuant to Rule 24(a)(3)(A) of the Federal Rules of Appellate Procedure that any appeal of this decision would not be taken in good faith. The record makes plain that the Complaint filed in this case is frivolous as it lacks arguable substance in law or fact.

DATED this 16th day of November, 2021.



Brian Morris, Chief District Judge
United States District Court